

Approved

**MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY COUNCIL, HELD ON SEPTEMBER 21, 2011 AT THE GRANTSVILLE CITY HALL, 429 EAST MAIN STREET, GRANTSVILLE, UTAH. THE MEETING BEGAN AT 7:00 P.M.**

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE.**

**Mayor and Council Members Present:** Mayor Brent Marshall and Council Members Mike Colson, Tom Tripp, James Vera, Mike Johnson and Todd Castagno.

**Appointed Officers and Employees Present:** Attorney Ronald Elton.

**Citizens and Guests Present:** Darrell Nielsen, Bryan Beyler, Sheldon Riches, Scott Stice and Kent Liddiard.

Mayor Marshall asked James Vera to lead the audience in the Pledge of Allegiance.

**AGENDA:**

**1. Youth Recognition Awards.**

The following students were recognized for their accomplishments and were awarded certificates and gifts by the Mayor and City Council:

- Devon Arellano
- Kelsie Coates
- Amanda Jolley
- Weston Hutsell
- Breann Delaney

**2. Summary Action Items:**

- a. Approval of Minutes of the September 21, 2011 City Council Meeting.
- b. Approval of Business Licenses for Regina Tippetts PLLC (Licensed Professional Counselor) and Love Illuminated (Wedding Decorator Services).
- c. Approval of Bills in the sum of \$92,262.32
- d. Personnel Matters (none).

**Motion:** Councilman Colson made a motion to approve the summary action items with the exception of the business license for Grantsville West Industrial Park LLC (gravel operation) until the conditional use permit was considered later on this agenda. Councilman Tripp seconded the motion. All voted in favor and the motion carried.

**3. Consideration of approval of Conditional Use Permit for Grantsville West Industrial Park, LLC to conduct gravel excavation at 2600 Ellerbeck Road.**

Darrell Nielsen and Bryan Beyler were present on behalf of the applicant. The Planning Commission had approved the conditional use permit, subject to the City Council's final review and approval. It was reported that a reclamation bond and plan had been filed with the State of Utah and that the Planning Commission would review the permit in three years and the State of Utah would review the operation in five years.

**Motion:** Councilman Johnson made a motion to give final approval of the conditional use permit for the gravel operation of Grantsville West Industrial Park, LLC at 2600 Ellerbeck Road upon the conditions approved by the State of Utah, the Planning Commission and provided the operation is conducted consistent with the application. Councilman Vera seconded the motion. All voted in favor and the motion carried.

**4. Consideration of approval of the subdivision of Lot 6B of the South Willow Subdivision Amended No. 2. (Russ Christensen).**

It was reported that the Planning Commission had recommended approval of this two lot subdivision, upon condition that a sewer line would need to be installed prior to the development of one of the new lots. The applicant requested that the water impact fee be waived and paid at the time of the development of these two new lots. A question was raised as to whether this subdivision was a part of a previously approved major subdivision and whether or not City Ordinances require water rights to be conveyed to the City with this approval.

**Motion:** Councilman Vera made a motion to approve the South Willow Amended No. 2 Subdivision and to waive the requirement that water be conveyed to the City for these lots and that an impact fee be paid at the time the lots are developed, if City Ordinances will allow for such a waiver under these circumstances. Councilman seconded the motion. Council members Vera, Johnson and Colson voted in favor of the motion. Councilman Tripp voted against the motion. Councilman Castagno abstained. With three affirmative votes, the motion carried.

**5. Consideration of canvas of primary election results.**

The Tooele County Clerk presented a tabulation of the result of the September 13, 2011 Grantsville City Primary Election. The City Council acting as the Board of Canvassers reviewed the results.

**Motion:** Councilman Colson made a motion to approve the Primary Election tabulations for Grantsville City Council positions and to affirm the election results as follows: Tom Tripp 279 votes, Mike Johnson 275 votes, Neil Critchlow 252 votes, Scott Stice 240 votes, Erik A. Stomberg 173 votes and Kent Liddiard 112 votes. These candidates will be on the General Election Ballot. Patrick H. Dunlavy 106 votes and Shawn Bennett 43 votes. These candidates were eliminated at the primary election. The motion was seconded by Councilman Vera. All voted in favor of the motion and it carried.

**6. Consideration of awarding bid for street paving and improvement projects.**

Aqua Engineering presented the results of the bids for the street paving and improvement projects. The bids received were from Staker and Parson Company - base bid \$228,029.00 and bid alternate one \$60,793.05; Kilgore Paving and Maintenance - base bid \$248,252.45 and bid alternate one \$54,193.32; and Bennett Paving and Construction – base bid \$278,551.22 and bid alternate one \$65,913.38. Craig Neeley from Aqua Engineering indicated that his firm found an error in Staker and Parson Company's bid and a representative from Staker and Parson Co. had therefore asked that their bid be withdrawn. Aqua Engineering therefore recommended that the low bid of Kilgore Paving and Maintenance including bid alternate one be awarded for the total of \$302,445.77.

**Motion:** Councilman Tripp made a motion to approve the bid and award the street paving and improvement project contract to Kilgore Paving and Maintenance and that the Mayor be allowed to enter into a contract with Kilgore after approval of the contract by the City Engineer and City Attorney. Councilman Colson seconded the motion. All voted in favor of the motion and it carried.

**7. Approval of plans and specifications for curb, gutter and sidewalk projects.**

Aqua Engineering presented proposed plans and specifications for a sidewalk project on Pear Street from Quirk to Willow Street and a curb and gutter project on Quirk Street from Main Street to the High School, including the listed bid alternates.

**Motion:** Councilman Johnson made a motion to approve the plans and specifications for the curb, gutter and sidewalk projects and the bidding and contract documents as presented by Aqua Engineering and to authorize the City to seek bids. The motion was seconded by Councilman Tripp. All voted in favor of the motion and it carried.

**8. Consideration of Resolution 2011-11 requesting the recertification of the Grantsville City Justice Court.**

The Mayor and City Attorney explained the requirements for the recertification of the Grantsville City Justice Court. Judge Darold Butcher was present to answer questions from the Council. The Council discussed the benefits and costs of maintaining a justice Court. Mayor Marshall indicated that the Justice Court's revenues do not cover all of the costs of the Court, but that there are many advantages to having a Justice Court. He indicated that if the City didn't have a Court all of the citizens issued citations would be required to go to Tooele City to resolve them and the police and City Attorney would also be required to travel to Tooele to handle City criminal cases.

**Motion:** Councilman Colson made a motion to approve Resolution 2011-11 requesting the recertification of the Grantsville City Justice Court. Councilman Vera seconded the motion. All voted in favor of the motion and it carried.

**9. Consideration of Ordinance No. 2011-28, amending Table 16.1 use regulations of the Grantsville Land Use Management and Development Code by allowing rock, sand and gravel storage and distribution uses in the MD-EX zone as a conditional use.**

**Motion:** Councilman Tripp made a motion to approve Ordinance No. 2011-28 as presented. Councilman Johnson seconded the motion. All voted in favor of the motion and it carried.

**10. Consideration of Ordinance No. 2011-29, amending Table 16.1 use regulations of the Grantsville Land Use Management and Development Code by allowing railcar fabrication, repair and cleaning uses in the MD-EX zone as a conditional use.**

**Motion:** Councilman Vera made a motion to approve Ordinance No. 2011-29 as presented. Councilman Castagno seconded the motion. All voted in favor of the motion and it carried.

**11. Consideration of Ordinance No. 2011-30, amending Table 15.1 use regulations of the Grantsville Land Use Management and Development Code by allowing up to 16 children to be cared for in a home day care center.**

**Motion:** Councilman Johnson made a motion to approve Ordinance No. 2011-30 as presented. Councilman Colson seconded the motion. All voted in favor of the motion and it carried.

**12. Consideration of Ordinance No. 2011-31, amending Table 15.1 use regulations of the Grantsville Land Use Management and Development Code by allowing commercial child day care centers to be located in residential districts.**

**Motion:** Councilman Vera made a motion to approve Ordinance No. 2011-31 as presented. Councilman Tripp seconded the motion. All voted in favor of the motion and it carried.

**13. Consideration of Ordinance No. 2011-32, amending Table 16.1 use regulations of the Grantsville Land Use Management and Development Code by allowing commercial day care centers or pre-school uses in commercial zones.**

**Motion:** Councilman Colson made a motion to approve Ordinance No. 2011-32 as presented. Councilman Johnson seconded the motion. All voted in favor of the motion and it carried.

Councilman Tripp asked to be excused in order to give a presentation at the National Honor Society Program and he indicated that he would return when he was completed. He was excused at 7:50 p.m.

**14. Mayor and Council Reports.**

Mayor Marshall reported that he had sponsored a lunch for the maintenance department and the police department in appreciation for their efforts during the spring flooding. He said that he had attended an Eagle Scout Court of Honor for Wesley Allen who did a service project for the City. Mayor Marshall indicated that he attended the FEMA kickoff meeting for claims related to spring flooding and that the City had been completing applications for reimbursement of its costs to mitigate the flood waters. Mayor Marshall stated that he had attended the pledge signing for the "Come Together" program at the Tooele City Park. He reported that he had attended a dinner meeting at the Benson Grist Mill concerning the use of the Great Salt Lake and the impact that the GSL mineral extraction company would have on the other industries surrounding the lake. The Mayor said that he had attended the Utah League of Cities and Towns Conference in Salt Lake City and that he had received valuable information there. He reported that he had met with Jeff Gardner and the Tooele County Commissioners regarding the fine that Energy Solutions had received at its operation at its Clive site in the West Desert. The Mayor stated that the City had requested that some of the fine monies be applied to the establishment of a Trail Head along the Mormon Trail under the SPC3 program which allows some of the fine to be used by local governments. Mayor Marshall indicated that he had worked with the Grantsville LDS Stake on community service projects this past Saturday. He reported that 150 volunteers completed projects at the Old Lincoln Highway Park, that they trimmed and cleaned up at the City Cemetery and picked up trash at the Grantsville Reservoir. He expressed his appreciation for this volunteer work that was very helpful to the City. The Mayor stated that he attended the Grantsville High School homecoming football game and set off fireworks for this event. Mayor Marshall indicated

that he had purchased a hog at the Utah State Fair for the employee's Christmas party which animal was purchased from a local student. The Mayor reported that he had participated in conference calls with Senator Lee and Senator Hatch regarding proposals to consolidate post office functions that could have an effect on the Grantsville City Post Office. He stated that he had expressed his opposition to any effort to close the Grantsville City Post Office. The Mayor said that he had attended the preview showing of Soleberg's new store at Stansbury Park. Mayor Marshall stated that he had attended the ribbon cutting ceremony for the new Zion's Bank ATM facility in Grantsville. The Mayor indicated that he would like to offer a reward up to \$500.00 for information leading to the arrest and conviction of high profile cases committed in Grantsville with the first reward being offered for a recent burglary of over \$250,000.00 worth of jewelry. The Council indicated that they did not have any objection to the Mayor offering rewards for these kinds of cases. The Mayor indicated that the National Honor Society was sponsoring a meet the candidate night for City Council candidates which would be held on October 12, 2011 at the High School. The Mayor reported that he would be out of the state from September 28 through October 2, and that he had asked Councilman Castagno to act for him as Mayor Pro tempore.

Councilman Colson indicated that he had attended the "Taste of Grantsville" event at the City Park earlier this evening and that many businesses were represented and there was good attendance from the community in support of this activity.

Councilman Vera stated that he had attended a Utah State University Board meeting and that it was reported there that many businesses were being attracted to Tooele County as a result of the TATC school being in our area. He commented that this school could also attract businesses to the Grantsville City area. Councilman Vera also asked about the high weeds at the intersection of State Road 138 and 112 which may present a traffic hazard. Mayor Marshall indicated that this intersection and the weeds were the State's responsibility but as soon as the City got parts to repair its mower he would have these weeds cut down.

Councilman Tripp returned to the meeting and was present and participated for the remainder of the meeting.

#### **15. Mountain Vista vs. Grantsville City Lawsuit including possible closed session.**

**Motion:** Councilman Castagno made a motion to go into a closed session to conduct a strategy session related to the pending Mountain Vista vs. Grantsville City lawsuit. Councilman Vera seconded the motion. All voted in favor and the Council went into a closed session at 8:10 p.m.

**Motion:** Councilman Tripp made a motion to go back into an open meeting. Councilman Johnson seconded the motion. All voted in favor and the Council went back into an open meeting at 8:59 p.m.

#### **16. Adjourn.**

**Motion:** Councilman Colson made a motion to adjourn. Councilman Vera seconded the motion. All voted in favor and the meeting officially adjourned at 9:00 p.m.